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CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 83

**Introduced by Assembly Members Corbett and Firebaugh
(Coauthors: Assembly Members Chan, Chu, Dymally, Goldberg,
Hancock, Jackson, Koretz, Laird, Lieber, Montanez, Mullin,
and Yee)**

(Coauthors: Senators Kuehl, *Perata*, Romero, and Soto)

January 6, 2003

An act to add Article 12 (commencing with Section 116752) to Chapter 4 of Part 12 of, and to repeal Article 12 (commencing with Section 111070) of Chapter 5 of Part 5 of, Division 104 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 83, as amended, Corbett. Bottled water.

Existing law, commonly referred to as the California Safe Drinking Water Act, imposes various functions and duties on the State Department of Health Services with respect to the administration of the act, and requires public water systems to comply with recommended public health levels for contaminants in drinking water established by the department. Existing law further requires public water systems, among other things, to have an approved emergency notification plan,

issue consumer confidence reports, and comply with annual inspections.

Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the licensure and regulation by the department of specified persons engaged in certain activities relating to bottled, vended, hauled, and processed water.

This bill would transfer the provisions relating to the licensure and regulation of persons engaged in the above bottled water activities from the Sherman Food, Drug, and Cosmetic Law to the California Safe Drinking Water Act. The bill would require bottled water licensees to comply with provisions similar to those imposed on public water systems regarding emergency notification plans, consumer confidence reports, and inspections. Failure to comply with the inspection provisions would be a misdemeanor. The creation of a new crime would impose a state-mandated local program.

This bill, among other things, would revise the annual license fee schedule and would create the Safe Bottled and Vended Water Account in the General Fund, comprised of these fees, from which moneys would be expended, upon appropriation by the Legislature, for purposes of providing funds necessary to administer the above provisions. It would also require, *commencing July 1, 2004*, the labeling on bottled water sold at retail or wholesale in a plastic beverage container, *or other specified beverage container*, to include specified information, and would make various technical, nonsubstantive changes.

Existing law provides that a violation of certain provisions under the California Safe Drinking Water Act relating to fraud is punishable as a misdemeanor.

Since a violation of these fraud provisions by bottled water licensees would also be a misdemeanor, this bill would expand the definition of a crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The California Safe Drinking Water Act establishes a statutory framework for the regulation of the quality of “tap water” in the state through drinking water quality standards, requirements for consumer reporting of drinking water quality, and regulatory oversight by the State Department of Health Services.

(b) Because bottled water and vended water products are regulated as food products rather than drinking water, many of the statutory protections for consumers contained in the California Safe Drinking Water Act that apply to tap water provided by public water systems do not apply to bottled water products, creating a lack of consumer certainty as to the contents of bottled water products.

(c) In order to ensure consistent state oversight of drinking water and to protect public health and inform California citizens, it is necessary to renumber existing statutes, and consolidate existing and proposed new statutes related to bottled and vended water into the California Safe Drinking Water Act.

(d) The general public perception is that bottled water and vended water products are safer, or are of higher quality, than tap water. However, the water quality requirements for bottled water are, in many cases, less stringent than tap water.

~~(e) Bottled water products are not subject to water quality “right to know” consumer reporting requirements such as consumer confidence report requirements, resulting in a lack of reliable and credible information for consumers concerning the contents of bottled water and vended water products.~~

(e) The cost of bottled and vended water is hundreds of times that of tap water; yet bottled and vended water suppliers are under no legal requirement to demonstrate that the quality of their product justifies the high cost to consumers.

(f) The existing levels of fees for the bottled water regulatory program are not sufficient to fund oversight of bottled water and vended water products when compared to funding that is generated by drinking water program regulatory fees paid by public water systems.

(g) It is necessary to enact legislation to improve consumer protection and ensure that the consumers of bottled water are afforded the same water quality “right to know” protections and regulatory oversight of bottled water products as those established for tap water.

SEC. 2. Article 12 (commencing with Section 111070) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code is repealed.

SEC. 3. Article 12 (commencing with Section 116752) is added to Chapter 4 of Part 12 of Division 104 of the Health and Safety Code, to read:

Article 12. Bottled, Vended, Hauled, and Processed Water

116752. (a) “Bottled water” means any water that is placed in a sealed container at a water-bottling plant to be used for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans. Bottled water shall not include water packaged with the approval of the department for use in a public emergency.

(b) “Vended water” means any water that is dispensed by a water-vending machine or retail water facility, or water from a private water source, or other water as described in Section 116756.4 that is not placed by a bottler in sealed containers, and that is dispensed by a water-vending machine, retail water facility, water hauler, or any other person or facility for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans. “Vended water” does not include water from a public water system that has not undergone additional treatment. Water sold without further treatment is not “vended water” and shall be labeled in accordance with Section 116756.4.

(c) “Water-bottling plant” means any facility in which bottled water is produced.

(d) A “water-vending machine” means any self-service device that, upon insertion of a coin, coins, or token, or upon receipt of payment by any other means, dispenses a unit volume of water to be used for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans.

(e) (1) “Water hauler” means any person who hauls water in bulk by any means of transportation if the water is to be used for

1 drinking, culinary, or other purposes involving a likelihood of the
2 water being ingested by humans.

3 (2) As used in this subdivision, “in bulk” means containers
4 having capacities of 250 gallons or greater.

5 (f) “Retail water facility” means any commercial
6 establishment where vended water is sold, and placed in
7 customer’s containers, or placed in containers sold or given to
8 customers who come to the establishment to obtain water.

9 (g) “Private water source” means a privately owned source of
10 water, other than a public water system, that is used for bottled or
11 vended water and meets the requirements of an approved source
12 for bottled water as defined in Section 129.3 of Title 21 of the Code
13 of Federal Regulations.

14 (h) “Bottled water distributor” means any person, other than
15 an employee or representative of a bottled water plant, who
16 delivers bottled water directly to customers.

17 ~~116752.2. (a) Any person who processes, packages,~~
18 ~~distributes, transfers, or stores bottled water or vended water shall~~
19 ~~comply with the good manufacturing practices described in Part~~
20 ~~129 of Title 21 of the Code of Federal Regulations.~~

21 *116752.2. (a) Nothing in this article shall exempt any person*
22 *who processes, packages, distributes, transfers, or stores bottled*
23 *water or vended water from complying with Title 21 of the Code*
24 *of Federal Regulations, the United States Pharmacopeia Volume*
25 *21, the California Food Sanitation Act (Article 1 (commencing*
26 *with Section 111950) of Chapter 4 of Part 6), and Sections 12245*
27 *to 12280, inclusive, of Title 17 of the California Code of*
28 *Regulations.*

29 (b) Prior to bottling or vending water, the water shall be
30 subjected to filtration and effective germicidal treatment by ozone,
31 ultraviolet, ~~carbon dioxide~~, or an equivalent disinfection process
32 approved by the department, except that the requirements for
33 filtration and germicidal treatment shall not apply to mineral water
34 as defined in, and from a source that is subject to, the council
35 directive of the European Economic Community pertaining to
36 natural mineral waters, dated July 15, 1980, or that is subject to any
37 other natural mineral water standard in the country of origin that
38 prohibits filtration and germicidal treatment, so long as both of the
39 following conditions are met:

1 (1) The source and product are certified by the responsible
2 authority in the country of origin as complying with
3 microbiological standards at least equal to the standards of this
4 article.

5 (2) The product complies with microbiological standards of
6 this article.

7 (c) Bottled or vended water that originates from a surface water
8 source that is not protected from surface contamination shall be
9 subjected to ozonation, filtration, or another effective process that
10 removes or destroys the cysts of the parasite *Giardia lamblia*. For
11 the purposes of this section, a spring house, catchment basin,
12 storage tank, or bore hole adjacent to a natural spring water source
13 is not a surface water source.

14 (d) Ollas or other water-holding dispensers, both refrigerated
15 and nonrefrigerated, water-vending machines, and water
16 dispensers in retail water facilities, shall be examined for
17 cleanliness each time they are serviced by the distributor, bottler,
18 retail water facility, or water-vending machine operator. When
19 necessary, these dispensers shall be sanitized according to the
20 methods described in Part 129 of Title 21 of the Code of Federal
21 Regulations.

22 (e) Sanitary operations, equipment procedures, and process
23 controls used in the treatment, storage, transport, or dispensing of
24 water at a retail water facility shall comply with the good
25 manufacturing practices described in the following provisions of
26 Part 129 of Title 21 of the Code of Federal Regulations:
27 subdivisions (a) to (c), inclusive, of Section 129.37; Section
28 129.40; and subdivisions (a), (c), (d), and (h) of Section 129.80.

29 (f) Sanitary operations, equipment, procedures, and process
30 controls used in the treatment, storage, transfer, transport, or
31 dispensing of water by water haulers, shall comply with the good
32 manufacturing practices described in the following provisions of
33 Part 129 of Title 21 of the Code of Federal Regulations:
34 subdivisions (a) and (b) of Section 129.37; Section 129.40; and
35 subdivisions (a), (c), (d), and (h) of Section 129.89.

36 (g) The design and construction of wells, bore holes, catchment
37 basins, spring houses, storage tanks, or other water-contact
38 equipment used by private water sources shall comply with the
39 requirements of the local regulatory authority. Sanitary
40 operations, equipment procedures, and transfer controls used in

1 the treatment, storage, transfer, or dispensing of water by private
2 water source operators shall comply with the good manufacturing
3 practices described in the following provisions of Part 129 of Title
4 21 of the Code of Federal Regulations: subdivision (a) of Section
5 129.37; Section 129.40; and subdivisions (a), (c), (d), (g), and (h)
6 of Section 129.80.

7 (h) Bottled water may be processed through lines used also for
8 other food products under the following conditions:

9 (1) Process lines, including storage tanks and associated
10 equipment, shall be used exclusively for the production of bottled
11 water, except for filling equipment, that may be used also for
12 filling other food products.

13 (2) Before being used for the bottling of water, filling
14 equipment that is designed to be cleaned in-place and that is used
15 for filling other food products shall be thoroughly cleansed and
16 sanitized in-place in accordance with the manufacturer's
17 specifications and in compliance with Section 129.80 of Title 21
18 of the Code of Federal Regulations and the supplementary
19 procedures contained in paragraphs (3) to (7), inclusive.

20 (3) Immediately following completion of filling operations for
21 any other food product other than water, the filler shall be
22 thoroughly rinsed internally and externally with potable water.

23 (4) In accordance with filler manufacturer's instructions, any
24 parts that are not designed to be cleaned in-place shall be
25 disassembled and removed. All of these parts shall be cleansed and
26 sanitized prior to reassembly using appropriate cleansing and
27 sanitizing procedures, as specified in subdivisions (c) and (d) of
28 Section 129.80 of Title 21 of the Code of Federal Regulations.

29 (5) All surfaces of the filler that do not contact food products
30 shall be cleaned manually so as to render all surfaces clean and free
31 of any residues.

32 (6) The filler shall be prepared and all appropriate connections
33 made in accordance with the filler manufacturer's instructions to
34 place the filler in the clean-in-place mode. The following
35 procedures shall be followed:

36 (A) An alkaline cleaning solution of appropriate strength shall
37 be recirculated through the filler to provide effective cleaning of
38 all product contact surfaces, with a minimum recirculation time of
39 20 minutes at a temperature between 140 and 170 degrees
40 Fahrenheit.

(B) The cleaning solution shall be drained and followed with a potable water rinse-to-drain for the removal of all residual cleaner alkalinity. This step may be supplemented by the application of an acidified rinse prior to the potable water rinse in order to neutralize any residual alkalinity on product contact surfaces.

(7) Following reassembly of all parts to place the filler into the product mode and just prior to bottling water, the filler shall be sanitized in-place in accordance with procedures specified in subdivision (d) of Section 129.80 of Title 21 of the Code of Federal Regulations.

(8) Any alternate cleaning, rinsing, or sanitizing operations or processes not described in this section shall be approved in writing by the department.

(i) Bottled water and bulk waters sold at retail shall not contact equipment, lines, tanks, or vehicles used for processing, packaging, holding, or hauling of any nonfood product.

116752.4. The quality and labeling standards requirements for bottled water and vended water, including mineral water, shall include all standards prescribed by Section 165.110 of Title 21 of the Code of Federal Regulations. In addition, bottled water and vended water, when bottled, shall comply with the following quality standards and any additional quality standards adopted by regulation that the department determines are reasonably necessary to protect the public health:

(a) Bottled water and vended water shall meet all maximum contaminant levels set for public drinking water that the department determines are necessary or appropriate so that bottled water may present no adverse effect on public health. New or revised allowable levels or monitoring provisions adopted for bottled water by the United States Food and Drug Administration under the federal Food, Drug and Cosmetic Act (21 U.S.C. Sec. 301 and following) that are more stringent than the state requirements for bottled water are incorporated into this chapter and are effective on the date established by the federal provisions unless otherwise established by regulations of the department.

(b) Bottled and vended water shall not exceed 10 parts per billion of total trihalomethanes or five parts per billion of lead unless the department establishes a lower level by regulation.

1 (c) Bottled and vended water shall contain no chemicals in
2 concentrations that the United States Food and Drug
3 Administration or the department has determined may have an
4 adverse effect on public health.

5 116752.5. (a) When a licensee has not complied with any
6 maximum contaminant level set for public drinking water
7 standards, as provided in subdivision (a) of Section 116752.4,
8 when a monitoring requirement specified by the department is not
9 performed by a licensee, or when a licensee fails to comply with
10 the conditions of any variance, the licensee shall notify the
11 department and shall give notice to consumers of that fact in the
12 manner prescribed by the department. When a variance is granted,
13 the licensee shall give notice to consumers of that fact.

14 (b) When a licensee determines that a significant rise in the
15 bacterial count of water has occurred in its bottled or vended water,
16 the licensee shall provide, at its own expense, a report on the rise
17 in bacterial count of the water, together with the results of an
18 analysis of the water, within 24 hours to the department and, where
19 appropriate, to the local health officer.

20 (c) When the department receives the information described in
21 subdivision (b) and determines that it constitutes an immediate
22 danger to health, the department shall immediately notify the
23 licensee to implement the emergency notification plan required by
24 this article.

25 (d) In the case of a failure to comply with any maximum
26 contaminant level set for public drinking water that represents an
27 imminent danger to the health of consumers, the licensee shall
28 notify consumers as provided in the approved emergency
29 notification plan.

30 (e) In addition, the same notification requirement shall be
31 required in any instance in which the department or the local health
32 officer recommends to the licensee that it notify its customers to
33 avoid internal consumption of the bottled or vended water and to
34 use an alternative source of drinking water due to a chemical
35 contamination problem that may pose a health risk.

36 (f) The content of the notices required by this section shall be
37 approved by the department. Notice shall be repeated at intervals,
38 as required by the department, until the department concludes that
39 there is compliance with its standards or requirements. Notices
40 may be given by the department.

(g) In any case where consumer notification is required by this section because a contaminant is present in bottled or vended water at a level in excess of a maximum contaminant level set for public drinking water, the notification shall include identification of the contaminant, information on possible effects of the contaminant on human health, and information on specific measures that should be taken by persons or populations who might be more acutely affected than the general population.

116752.6. (a) No person may operate a facility licensed pursuant to Section 116754 without an emergency notification plan that has been submitted to, and approved by, the department. The emergency notification plan shall provide for immediate notice to the licensee's consumers of any significant rise in the bacterial count of water or other failure to comply with any maximum contaminant level set for public drinking water that represents an imminent danger to the health of consumers.

(b) No license or variance may be issued or amended under this article until an emergency notification plan has been approved by the department.

(c) The department shall adopt regulations to implement this section. The regulations may provide for the exclusion of licensees from the requirements of this section when, in the judgment of the department, the exclusion will best serve the public interest.

116752.8. Polycarbonate resins manufactured after January 1, 1988, and intended for use in fabricating containers for water products defined in this article shall not contain in excess of three parts per million residual methylene chloride or in excess of 200 parts per million residual monochlorobenzene unless the department establishes a lower level by regulation. For the purpose of monitoring compliance with this section, the concentration of methylene chloride and monochlorobenzene shall not exceed one part per billion in water. "Polycarbonate resins" means the substances defined by Section 177.1580 of Title 21 of the Code of Federal Regulations except as modified by this section.

116753. Any owner or operator of a water-vending machine or other device from which any operator or customer dispenses vended water shall comply with the following standards of design, construction, and sanitation and any additional standards adopted by regulation that the department determines are reasonably

1 necessary to protect the public health. The water-vending
2 machines or devices shall do all of the following:

3 (a) Comply with the construction and performance standards
4 established by the department or by an independent authority
5 approved by the department.

6 (b) Be designed and constructed to permit easy cleaning and
7 maintenance of all exterior and interior surfaces.

8 (c) Have all parts and surfaces that come into contact with the
9 water constructed of approved, corrosive-resistant, and
10 nonabsorbent material capable of withstanding repeated cleaning
11 and sanitizing treatment.

12 (d) Have a recessed or guarded corrosion-resistant dispensing
13 spout.

14 (e) Be designed so that all treatment of the vended water by
15 distillation, ion exchange, filtration, ultraviolet light, reverse
16 osmosis, mineral addition, or any other acceptable process is done
17 in an effective manner.

18 (f) Have an effective system of handling drip, spillage, and
19 overflow of water.

20 (g) Have a backflow prevention device approved by the
21 department for all connections with the water supply.

22 (h) Dispense water disinfected by ultraviolet light or other
23 method approved by the department prior to delivery into the
24 customer's container.

25 (i) Be equipped with monitoring devices designed to shutdown
26 operation of the machine when the disinfection unit fails to
27 function. Alternatively, machines shall be monitored daily at
28 startup and manually shutdown whenever the unit fails to function.

29 (j) Be equipped with either a self-closing, tight-fitting door on
30 the vending compartment, or an enclosed vending spout in order
31 to protect the vending spout when the water-vending machine is
32 not in use. As an alternative, water-vending machines or other
33 water-dispensing devices may be enclosed in a room with
34 tight-fitting walls, ceilings, and one of the following: a self-closing
35 door, an effective air screen device, or an alternative effective
36 device approved by the department.

37 (k) Comply with the American Water Works Association
38 (AWWA) specifications for granular activated carbon if used in the
39 treatment of potable water (~~AWWA B604-74~~) (AWWA B604-96).



1 (l) Be maintained in a clean and sanitary condition, free from
2 dirt and vermin.

3 (m) Use a state approved and regulated public water supply or
4 private water source.

5 (n) Be located in an area that can be maintained in a clean
6 condition and in a manner that avoids insect and rodent harborage.

7 (o) Be equipped with monitoring devices designed to shut
8 down the labeled purified water delivery system if treatment of
9 water by the machine does not result in a total dissolved solids
10 content of less than 10 milligrams per liter in the purified water.
11 Alternatively, machines shall be monitored daily at startup and
12 manually shutdown whenever the total dissolved solids content
13 exceeds 10 milligrams per liter in the purified water.

14 116753.2. It shall be unlawful to operate a water-bottling
15 plant, water-vending machine, retail water facility, or private
16 water source in violation of the minimum health standards of this
17 article.

18 116753.4. It is unlawful for any person to operate a water
19 vending machine in this state that does not satisfy the minimum
20 standards prescribed by this article for the design, construction,
21 and sanitation of water-vending machines.

22 116753.6. The department, upon the request of a local health
23 officer, may authorize the local health officer to implement and
24 enforce those provisions of this article that relate to water-vending
25 machines, retail water facilities, and water haulers under the terms
26 and conditions specified by the department.

27 116753.8. No water-vending machine may be used in this
28 state that does not at least satisfy the minimum standards adopted
29 by the department.

30 116753.9. The department shall require that each
31 water-vending machine, retail water treatment plant, water hauler
32 vehicle and facility, and private water source be maintained in a
33 clean and sanitary condition at all times.

34 116754. (a) No person may operate a water-bottling plant or
35 a private water source, or be a bottled water distributor in this state,
36 except pursuant to a license issued by the department. If a person
37 has a valid water-bottling plant license issued by the department,
38 additional license fees for a private water source operator, a retail
39 water facility operator, a water hauler, or a bottled water

distributor based and operating at the same address, shall not be required.

(b) No person may own or operate a water-vending machine or a retail water facility or be a water hauler, except pursuant to a license issued by the department or a permit issued by a local health department.

(c) It shall be unlawful for any person to bottle, collect, treat, hold, distribute, haul, vend, or sell bottled water or vended water, operate a retail water facility, or operate a private water source without the license as required by this article. Any bottled water or vended water dispensed by a retail water facility or a private water source that is not licensed in compliance with this article is misbranded and may be embargoed pursuant to subdivision (e).

(d) It shall be unlawful for a water bottler, distributor, vendor, retail water facility operator, or private water source operator to sell or otherwise distribute water that is unsafe for use, as provided in Section 110445, or that is adulterated, as provided in Section 110545, 110560, or 110565, or that is misbranded as provided in Article 6 (commencing with Section 110660) of Chapter 5 of Part 5.

(e) For the purposes of enforcing this section, water may be embargoed pursuant to Section 111860 in its immediate container, well, spring, spring vault, holding tank, water hauling vehicle, retail water treatment system, spigot, or pipe if there is reasonable cause to believe that it is adulterated.

(f) Any retail water facility, water vendor, or water hauler that violates this article may be subjected to the same penalty and enforcement procedure provided for violation of this article by a water-bottling plant.

116754.1. No bottled water produced in an out-of-state bottling plant may be sold or distributed within this state unless either the out-of-state bottler or the distributor shall have first obtained a bottler's or distributor's license.

116754.2. (a) Each ~~category 1~~ water bottling plant owner or ~~operator, category 2 water bottling plant owner or operator,~~ water-vending machine owner or operator, water hauler, retail water facility operator, private water source operator, and bottled water distributor shall reimburse the department for actual costs incurred by the department for conducting those activities mandated by this article relating to the issuance of licenses,

1 inspections, monitoring, surveillance, and water quality
2 evaluation that relate to that specific license. The amount of
3 reimbursement shall be sufficient to pay, but shall not exceed, the
4 department's actual cost in conducting these activities.

5 (b) For purposes of determining the fees provided for in
6 subdivision (a), the department shall maintain a record of its actual
7 costs for pursuing the activities specified in subdivision (a) relative
8 to each licensee required to pay the fees. The fee charged each
9 licensee shall reflect the department's actual cost of conducting the
10 specified activities.

11 (c) The department shall submit an invoice for cost
12 reimbursement for the activities specified in subdivision (a) to the
13 licensee no more than twice a year.

14 (d) (1) The department shall submit one estimated cost invoice
15 to the licensee. This invoice shall include the actual hours
16 expended during the first six months of the fiscal year. The hourly
17 cost rate used to determine the amount of the estimated cost
18 invoice shall be the rate for the previous fiscal year.

19 (2) The department shall submit a final invoice to the licensee
20 prior to October 1 following the fiscal year that the costs were
21 incurred. The invoice shall indicate the total hours expended
22 during the fiscal year, the reasons for the expenditure, the hourly
23 cost rate of the department for the fiscal year, the estimated cost
24 invoice, and payments received. The amount of the final invoice
25 shall be determined using the total hours expended during the
26 fiscal year and the actual hourly cost rate of the department for the
27 fiscal year. The payment of the estimated invoice, exclusive of late
28 penalty, if any, shall be credited toward the final invoice amount.

29 (3) Payment of the invoice issued pursuant to paragraphs (1)
30 and (2) shall be made within 90 days of the date of the invoice.
31 Failure to pay the amount of the invoice within 90 days shall result
32 in a 10-percent late penalty that shall be paid in addition to the
33 invoiced amount.

34 (e) Each owner or operator of any water-bottling plant, retail
35 water facility, or private water source, each water hauler in
36 California, and each bottler or distributor of water bottled
37 out-of-state shall make application for a license on forms provided
38 by the department. Applications shall be submitted for each
39 calendar year.



(f) Each water-vending machine owner or operator shall make application each calendar year for a license for all machines on forms provided by the department. A decal or seal provided by the department indicating a license fee has been paid shall be affixed in a prominent place to each water-vending machine in service.

116754.3. (a) Each licensee shall reimburse the department for actual costs incurred by the department for any of the following enforcement activities related to that licensee:

(1) Preparing, issuing, and monitoring compliance with an order or a citation.

(2) Preparing and issuing public notification.

(b) The department shall submit an invoice for these enforcement costs to the licensee that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of enforcement activities specified in this section.

(c) As used in this section, “enforcement costs” do not include “litigation costs” pursuant to Section 116754.5.

(d) The department shall not be entitled to enforcement costs pursuant to this section if either a court or the department determines that enforcement activities were in error.

(e) The maximum reimbursement, pursuant to this section, by a licensee during any fiscal year ~~shall~~ *may* not exceed one thousand dollars (\$1,000), or twice the maximum for that licensee, *or licensed water-vending machine when the reimbursement is sought from a water-vending machine owner or operator*, as set forth in subdivision (b) of Section 116754.2, whichever is greater.

116754.4. (a) Each licensee that requests a variance pursuant to subdivision (e) of Section 116756 shall reimburse the department for actual costs incurred by the department in processing the request.

(b) The department shall submit an invoice to the licensee prior to October 1 of the fiscal year following the fiscal year in which the department’s decision was rendered with respect to the request for a variance. The invoice shall indicate the number of hours expended by the department and the department’s hourly cost rate. Payment of the fee shall be made within 120 days of the date of the

1 invoice. The department may revoke any approval of a request for
2 a variance for failure to pay the required fees.

3 116754.5. In any civil court action brought to enforce this
4 article, the prevailing party or parties shall be awarded litigation
5 costs, including, but not limited to, salaries, benefits, travel
6 expenses, operating equipment, overhead, other litigation costs,
7 and attorney's fees, as determined by the court. Litigation costs
8 awarded to the department by the court shall be deposited into the
9 Safe Bottled and Vended Water Account established pursuant to
10 Section 116754.6.

11 116754.6. (a) Notwithstanding Section 116590, all funds
12 received by the department pursuant to this article shall be
13 deposited into the Safe Bottled and Vended Water Account that is
14 hereby established in the General Fund. Funds in the Safe Bottled
15 and Vended Water Account may not be expended for any purpose
16 other than as set forth in this article. All moneys collected by the
17 department pursuant to Sections 116754.2 to 116754.5, inclusive,
18 shall be deposited into the Safe Bottled and Vended Water Account
19 for use by the department, upon appropriation by the Legislature,
20 for the purposes of providing funds necessary to administer this
21 article.

22 (b) The department's hourly cost rate to determine the
23 reimbursement for actual costs pursuant to Sections 116754.2,
24 116754.3, and 116754.4 shall be based upon the department's costs
25 for salaries, benefits, travel expenses, operating equipment,
26 administrative support, and overhead.

27 (c) Fees assessed pursuant to this article shall not exceed actual
28 costs to the department.

29 (d) The department shall develop a time accounting standard
30 designed to do all of the following:

31 (1) Provide accurate time accounting.

32 (2) Provide accurate invoicing based upon hourly rates
33 comparable to private sector professional classifications and
34 comparable rates charged by other states for comparable services.
35 These rates shall be applied against the time spent by the actual
36 individuals who perform the work.

37 (3) Establish work standards that address work tasks, timing,
38 completeness, limits on redirection of effort, and limits on the time
39 spent in the aggregate for each activity.



1 (4) Establish overhead charge-back limitations, including, but
2 not limited to, charge-back limitations on charges relating to
3 reimbursement of services provided to the department by other
4 departments and agencies of the state, that reasonably relate to the
5 performance of the function.

6 (5) Provide appropriate invoice controls.

7 116754.7. (a) The department may deny any license
8 application or revoke or suspend any license issued for cause. The
9 department shall inform the person of any denial, revocation, or
10 suspension in writing, stating with particularity reasons for the
11 denial, revocation, or suspension.

12 (b) As used in this section, “cause” means a violation of any
13 provision of this article or any regulation adopted pursuant to this
14 article.

15 116754.8. The department shall charge and collect a fee for
16 each department evaluation required to issue a new license for a
17 water-vending machine model or a retail water facility to
18 determine compliance with standards established by this article.
19 The fee shall be three hundred dollars (\$300) and shall be adjusted
20 annually as required by Section 100425.

21 116755. (a) The department shall require each bottler,
22 distributor, or vendor of bottled water, each owner or operator of
23 any water-vending machine, and each water hauler, retail water
24 facility operator, private water source operator, and applicant for
25 a license, to test for all substances necessary to establish
26 conformance to standards adopted pursuant to Section 116752.4
27 at the times and frequencies the department may reasonably
28 establish.

29 (b) Each product dispensed by a water-vending machine or a
30 retail water facility shall be sampled and analyzed for coliform
31 bacteria at least once every six months. The analysis shall be
32 submitted to the department indicating whether the water is pure
33 and wholesome. Analysis of vended water or water from retail
34 water facilities shall be submitted to the local health officers if the
35 local health officers are authorized by the department pursuant to
36 Section 116753.6.

37 (c) Purified waters from retail water facilities shall be analyzed
38 by the operator for dissolved solids by conductivity measurement
39 not less frequently than once every seven days.

(d) Purified water from vending machines shall be analyzed by the operator for the dissolved solids by conductivity measurement each time the vending machine is serviced.

116755.2. (a) All sources of bottled water, vended water, and water dispensed by a retail water facility shall be monitored annually for the presence of volatile organic compounds of potential public health concern, as specified by ~~the United States Environmental Protection Agency in Tables 2 and 14 contained in Volume 50 of the Federal Register on pages 46904, 46923, and 46924 on November 13, 1985~~ *Table 64444-A contained in Section 64444 of Title 22 of the California Code of Regulations*, or as reasonably specified by the department as a condition of licensure.

(b) In lieu of source water monitoring required by this section, a water bottler, water vendor, or a retail water facility may document that the source monitoring required by this section is conducted by another entity approved by the department, or may comply with the treatment requirements of subdivision (c).

(c) Detection in the source water of a volatile organic compound, except trihalomethanes, for which source monitoring is required pursuant to this section shall be followed immediately by a program of periodic monitoring by the water bottler, water vendor, or retail water facility to confirm the presence or absence in the source water of the volatile organic compound. If the volatile organic compound is confirmed to be present in the source water it shall be treated using granular activated carbon treatment or an equivalent treatment operated in accordance with good manufacturing practices as provided in Section 129.80 of Title 21 of the Code of Federal Regulations until the time that the concentration of the volatile organic compound does not exceed either one part per billion, or any United States Environmental Protection Agency or United States Food and Drug Administration level for drinking water, or a maximum contaminant level established by the department for bottled water.

(d) The department may exempt any water bottler, water vendor, or retail water facility from the monitoring requirements of this section for any source based on a showing satisfactory to the department that the source (1) does not contain the volatile organic compound for which monitoring is required and (2) is not vulnerable to contamination by the volatile organic compound because for surface water sources the compounds are not applied,

1 manufactured, stored, disposed, or shipped upstream, and for
2 groundwater sources, the compounds are not applied,
3 manufactured, stored, disposed, or shipped in the groundwater
4 recharge basin.

5 116755.4. (a) As a condition of licensure pursuant to Section
6 116754, each licensee, except as provided in subdivision (d), shall
7 annually prepare a consumer confidence report and make that
8 report available to each customer as required under this article;
9 ~~and~~. *In addition, each licensee shall make the consumer*
10 *confidence report available* to the department, which shall make
11 the information available on its Web site. The report shall include
12 all of the following information:

13 (1) The source of the bottled or vended water.

14 (2) A brief and plainly worded definition of the term
15 “maximum contaminant level,” “primary drinking water
16 standard,” and “public health goal.”

17 (3) If any regulated contaminant is detected in the bottled or
18 vended water during the past year, the report shall include all of the
19 following information:

20 (A) The level of the contaminant found in the bottled or vended
21 water, and the corresponding public health goal and primary
22 drinking water standard for that contaminant.

23 (B) Any violations of the primary drinking water standard that
24 have occurred as a result of the presence of the contaminant in the
25 bottled or vended water and a brief and plainly worded statement
26 of health concerns that resulted in the regulation of the
27 contaminant.

28 (C) Brief and plainly worded statements of health effects that
29 resulted in the regulation of a contaminant for any contaminant for
30 which a public water system is required by state or federal law to
31 include a statement of health effects upon detection of that
32 particular contaminant.

33 (D) The licensee’s address and telephone number to enable the
34 customer to obtain further information concerning contaminants
35 and potential health effects.

36 (4) Information on the levels of unregulated contaminants, if
37 any, for which monitoring is required pursuant to state or federal
38 law or regulation.

1 (5) Disclosure of any variances, pursuant to subdivision (e) of
2 Section 116756, granted to the licensee and the basis upon which
3 the variance was granted.

4 (b) The report shall include information in Spanish expressing
5 the importance of the report or offering additional information. In
6 addition, for each non-English-speaking group other than Spanish
7 that exceeds 10 percent of the state's population based upon the
8 most current United States Census data, the report shall include
9 information in the appropriate languages expressing the
10 importance of the report or offering additional information. The
11 department shall make the final determination of the appropriate
12 multilingual requirements of the report.

13 (c) For purposes of this section, "licensee" means an owner or
14 operator of any water-bottling plant, a bottled water distributor or
15 vendor, an owner or operator of any water vending machine, a
16 retail water facility operator, and a private water source operator.

17 (d) For purposes of complying with this section, an owner or
18 operator of a water vending machine providing water from a
19 municipal source shall post on their vending machines, and a retail
20 water facility operator and a private water source operator
21 providing water from a municipal source shall make available to
22 customers, the relevant information from the consumer
23 confidence report or water quality report prepared for that year by
24 the public water system pursuant to Section 116470, if such a
25 report is available. If the public water system's system has not
26 prepared a consumer confidence report or water quality report ~~is~~
27 ~~incomplete~~, the owner or operator of a water vending machine, a
28 retail water facility operator, or a private water source operator
29 shall prepare and post or make available its own report pursuant
30 to subdivision (a).

31 116755.6. (a) Each licensee, except as provided in
32 subdivision (c), shall utilize their existing toll-free telephone line,
33 or establish a toll-free telephone line, for the purpose of providing
34 an option for consumers to request additional information
35 regarding water quality. The toll-free telephone line shall have
36 multilingual capabilities and shall allow consumers to request
37 complete information regarding the quality of the licensee's
38 bottled or vended water product or products, including, but not
39 limited to, all of the following:

(1) Consumer confidence reports ~~prepared~~ *made available* pursuant to Section 116755.4.

(2) Publicly available water quality information for brands of bottled water *sold or distributed by the licensee*.

(3) Information from local health departments regarding the quality of vended water, if applicable.

(b) ~~If~~ *Except as provided in subdivision (d), if* a licensee has a Web site presence, it shall provide active linkages on its Web site to the information available on the toll-free telephone line, as required by this section.

(c) An owner or operator of a water vending machine or a retail water facility operator may utilize a local telephone line instead of a toll-free telephone line for purposes of complying with this section.

(d) *Notwithstanding subdivision (b), an owner or operator of a water-vending machine providing water from a municipal source shall not be required to provide active linkages on its Web site to consumer confidence reports made available pursuant to Section 116755.4. An owner or operator of a water-vending machine providing water from a municipal source shall instead be required, if the licensee has a Web site presence, to provide regularly updated information on its Web site that would allow a consumer to identify the location, by street name, of each water-vending machine and to identify the corresponding public water system that is the municipal source of water for each of the licensed water-vending machines.*

(e) *For the purposes of this section, “multilingual capabilities” shall include Spanish and any other non-English languages for groups other than Spanish that exceed 10 percent of the state’s population based upon the most current United States Census data.*

116755.8. Notwithstanding any other provision of this article, the department may require any bottler, distributor, or vendor of bottled water, any owner or operator of a water-vending machine, any water hauler, any retail water facility operator, any private water source operator, or any applicant for a license to test and submit results to the department for any substance, including organic chemical contaminants, at any time that the department believes the substance may be present in the water source and threaten the public health.

1 116756. (a) Upon a determination by the department that a
2 particular water source is subject to potential contamination, the
3 department shall notify the bottler, distributor, or vendor of bottled
4 water, the owner and operator of any water-vending machine, any
5 water hauler, any retail water facility operator, or any private water
6 source operator of the specific contaminants or class of
7 contaminants that pose a potential health risk.

8 (b) Within 90 days after notification by the department, the
9 bottler, distributor, or vendor of bottled water, the owner and
10 operator of any water-vending machine, any water hauler, any
11 retail water facility operator, or any private water source operator
12 shall conduct an analysis of the water source and submit the results
13 of the analysis to the department.

14 (c) If evidence of contamination is found, the department may,
15 by order, require the bottler, distributor, or vendor of bottled water,
16 the owner and operator of any water-vending machine, any water
17 hauler, any retail water facility operator, or any private water
18 source operator to conduct a source and product water analysis for
19 the contaminants of concern in accordance with conditions
20 specified by the department. The water analysis shall be conducted
21 and reported on an annual basis, unless the department finds that
22 reasonable action requires either more frequent or less frequent
23 analysis.

24 (d) The department may, by order, require the bottler,
25 distributor, or vendor of bottled water, the owner and operator of
26 any water-vending machine, any water hauler, any retail water
27 facility operator, or any private water source operator to reduce or
28 eliminate the concentration of any chemical that the department
29 determines may have an adverse effect on public health. Until an
30 enforceable standard has been established for a chemical that may
31 have an adverse effect on human health, the department may
32 require treatment techniques to reduce the concentration of the
33 contaminants that require treatment, in the department's
34 judgment, to prevent known or anticipated adverse effects on the
35 health of persons. The treatment system shall be designed to meet
36 criteria designated by the department or by an independent
37 authority approved by the department.

38 (e) The department may grant variances from the requirements
39 of subdivision (d), if the bottler, distributor, or vendor of bottled
40 water, the owner and operator of any water-vending machine, any

water hauler, any retail water facility operator, or any private water source operator demonstrates either of the following:

(1) That the prescribed treatment technique is not necessary to protect the health of consumers because its water source is not subject to, nor is it likely to be subject to, significant chemical contamination.

(2) An alternative treatment technique is at least as efficient in lowering the level of contaminants to be controlled.

116756.2. All testing of bottled water, bottled water sources, water distributed by water haulers, water from retail water facility, and water from vending machines shall be done by laboratories approved by the department, laboratories certified by the United States Environmental Protection Agency, laboratories certified by the primary enforcement authority in states that have been granted primacy by the United States Environmental Protection Agency, or laboratories certified (accredited) by a third-party organization acceptable to a primacy state.

116756.4. (a) Labeling and advertising of bottled water and vended water shall conform with this article, Chapter 4 (commencing with Section 110290) of Part 5, and applicable portions of Part 101 of Title 21 of the Code of Federal Regulations.

(b) Each container of bottled water sold in this state, each water-vending machine, and each container provided by retail water facilities located in this state shall be clearly labeled in an easily readable format. Retail water facilities that do not provide labeled containers shall post, in a location readily visible to consumers, a sign conveying required label information.

(c) Retail water facilities and private water sources that sell water at retail shall display in a position clearly visible to customers the following information:

(1) The name and address of the operator.

~~(2) The source of the water in a typeface at least equal to the size of the typeface of the corporate name or trademark.~~

~~(3) The fact~~

(2) A *statement* that the water is obtained from an approved public water supply or licensed private water source, *in a typeface of at least 30-point font.*

~~(4)~~

(3) A statement describing the treatment process used.

~~(5)~~

1 (4) If no treatment process is utilized, a statement to that effect.

2 ~~(6)–~~

3 (5) A telephone number that may be called for further
4 information, service, or complaints.

5 ~~(7)–~~

6 (6) The means by which a customer may order or download
7 consumer information relating to water quality, including the
8 consumer confidence report ~~prepared~~ *made available* pursuant to
9 Section 116755.4, as provided in Section 116755.6.

10 (d) Retail water facilities and private water source operators
11 that sell water at retail shall also display the consumer confidence
12 report, ~~prepared~~ *made available* pursuant to Section 116755.4, in
13 a take-home format.

14 (e) Bottled water may be labeled “drinking water,”
15 notwithstanding the source or characteristics of the water, only if
16 it is processed pursuant to the Food and Drug Administration Good
17 Manufacturing Practices contained in Section 165.110 and Parts
18 110 and 129 of Title 21 of the Code of Federal Regulations,
19 Sections 12235 to 12285, inclusive, of Title 17 of the California
20 Code of Regulations, and any other requirements established by
21 the department pursuant to Sections 116755, 116755.2, and
22 116755.8. Any vended water and any water from a retail water
23 facility may be labeled “drinking water,” notwithstanding the
24 source or characteristics of the water, only if it is processed
25 pursuant to Article 10 (commencing with Section 114200) of
26 Chapter 4 of Part 7 and any other requirements established by the
27 department pursuant to Sections 116755, 116755.2, and 116755.8.
28 116756.5. Water-vending machines shall display, in a
29 position clearly visible to customers, the following information:

30 (a) The name and address of the operator.

31 ~~(b) The source of the water in a typeface at least equal to the size~~
32 ~~of the typeface of the corporate name or trademark.~~

33 ~~(c) The fact~~

34 ~~(b)~~ A statement that the water is obtained from an approved
35 public water supply or licensed private water source, *in a typeface*
36 *of at least 50-point font.*

37 ~~(d)–~~

38 (c) A statement describing the treatment process used.

39 ~~(e)–~~

40 (d) If no treatment process is utilized, a statement to that effect.

~~(f)~~—

(e) A telephone number that may be called for further information, service, or complaints.

~~(g) The most current version of the consumer confidence report prepared pursuant to Section 116755.4.~~

~~(h)~~—

(f) *The relevant information from the consumer confidence report or water quality report prepared for that year by the public water system pursuant to Section 116470, if this information is available, or the consumer confidence report prepared by the owner or operator of a water-vending machine pursuant to Section 116755.4, if applicable.*

(g) The means by which a customer may order or download consumer information relating to water quality, including the consumer confidence report ~~prepared~~ *made available* pursuant to Section 116755.4, as provided in Section 116755.6. The information required by this subdivision shall be displayed in Spanish, and for each non-English-speaking group other than Spanish that exceeds 1,000 residents or 10 percent of the residents in the community in which the water-vending machine is located, whichever is less, the information shall be displayed in the appropriate languages. The department shall make the final determination of which water-vending machines need to include multilingual information.

~~(i)~~—

(h) The date on which the water-vending machine was last cleaned and serviced by the owner or operator.

116756.6. (a) The labeling on bottled water sold at retail or wholesale in this state in a plastic beverage container, as defined in Section 14517 of the Public Resources Code, *or other beverage container, as defined in Section 14515 of the Public Resources Code*, shall include one of the following:

(1) A telephone number of the bottler or brand owner.

(2) The bottler's or brand owner's mailing address.

(b) Bottlers or brand owners may also include other forms of contact, including, but not limited to, the bottler's or brand owner's e-mail address or Web site.

116756.7. (a) Notwithstanding Section 116756.6, the labeling on bottled water sold at retail or wholesale in this state in a plastic beverage container, as defined in Section 14517 of the

Public Resources Code, or other beverage container, as defined in Section 14515 of the Public Resources Code, shall also include the following:

(1) The source of the bottled water in a typeface at least equal to the size of the typeface of the corporate name or trademark.

(2) If any ~~regulated contaminant~~ *contaminant regulated under a primary drinking water standard* is detected in the bottled water, as reported in the consumer confidence report prepared pursuant to Section 116755.4, the label shall also include the following information:

~~(A) The range of the contaminant level found in the bottled water and the corresponding maximum contaminant level and public health goal for that contaminant.~~

~~(B)~~

(A) *The name of the contaminant detected in the bottled water.*

(B) *For any regulated contaminant detected in concentrations exceeding the public health goal for drinking water, as established by the Office of Environmental Health Hazard Assessment:*

(i) *The concentration or range of concentrations detected in the water.*

(ii) *The maximum contaminant level for the contaminant.*

(iii) *The public health goal for the contaminant.*

(iv) *An indication of the health concerns that resulted in the regulation of the contaminant.*

(C) Any violations of the maximum contaminant level that have occurred as a result of the presence of the contaminant in the bottled water.

~~(C) An indication of the health concerns that resulted in the regulation of the contaminant.~~

(3) The means by which a customer may order or download consumer information relating to water quality, including the consumer confidence report prepared pursuant to Section 116755.4, as provided in Section 116755.6.

(b) The label information required by this section shall be updated annually, commensurate with publication of the annual consumer confidence report prepared pursuant to Section 116755.4.

(c) *This section shall become operative on July 1, 2004.*

116756.8. Bottlers and bottled water distributors that distribute directly to consumers shall annually mail or deliver a

1 copy of the consumer confidence report prepared pursuant to
2 Section 116755.4 to each customer.

3 116757. (a) In addition to the requirements of this article, if
4 a bottler, distributor, water hauler, retail water facility operator, or
5 vending machine operator provides information in the labeling or
6 advertising stating or implying that this water is of a specific water
7 type (for example, “spring water”) or treated in a specific manner
8 (for example, “purified”), the type or treatment shall be clearly
9 labeled in an easily readable format. In order to be so labeled, the
10 source or treatment shall conform to the definitions established in
11 Section 165.110 of Title 21 of the Code of Federal Regulations, or,
12 if not defined in that section, with the following criteria:

13 (1) “Mineralized water” means bottled or vended water that
14 meets the requirements of “mineral water” except that the water
15 contains added minerals.

16 (2) “Natural water” means bottled or vended spring, artesian
17 well, or well water that is unmodified by mineral addition or
18 deletion, except “natural water” may be filtered and shall be
19 sanitized with ozone or an equivalent disinfection process and
20 treated to reduce the concentration of any substance that exceeds
21 safety standards established by the department.

22 (3) “Naturally sparkling water” means bottled water or
23 vended water with a carbon dioxide content from the same source
24 as the water.

25 (4) “Sparkling,” “carbonated,” or “carbonation added”
26 means bottled water or vended water that contains carbon dioxide.

27 (b) Notwithstanding any other provision of this section, water
28 from a public water system that is unprocessed by the bottler or
29 vendor shall be in compliance with Section 165.110(a)(3)(ii) of
30 Title 21 of the Code of Federal Regulations.

31 116757.2. Except as provided in Section 116752.4, any
32 bottled water or vended water, the quality of which is below the
33 quality required by this article, shall be labeled with a statement
34 of substandard quality, as prescribed by subsection (b) of Section
35 165.110 of Subpart B of Part 165 of Title 21 of the Code of Federal
36 Regulations.

37 ~~116757.4. (a) A bottled water, as defined in Section 116752,~~
38 ~~with natural or added carbonation, may be prepared with added~~
39 ~~flavors, extracts, essences, or fruit juice concentrates derived from~~
40 ~~a spice or fruit and comprising less than 1 percent by weight of the~~

~~1 final product. The final product shall contain no sweeteners, or
2 additives other than the flavors, extracts, essences, or fruit juice
3 concentrates and carbon dioxide and shall be designated on labels
4 and in advertising as follows:~~

~~5 (1) The common or usual name of the characterizing flavor
6 shall accompany the designation of the bottled water product type,
7 as specified in Section 116757.~~

~~8 (2) The product may be designated as “natural” only if it meets
9 the requirements for the designation as provided in Section
10 116757, and naturally derived flavors, extracts, or essences are
11 used.~~

~~12 (b) Products labeled pursuant to this section shall comply with
13 all other provisions of this article. Products with one type or one
14 source of bottled water that are labeled pursuant to this section
15 shall not be blended with water that is not bottled water or that is
16 of another bottled water type.~~

116757.6. (a) Bottlers that distribute directly to consumers
shall provide a sentence on each billing statement that includes the
following:

(1) A telephone number of the bottler or brand owner.

(2) The bottler’s or brand owner’s mailing address.

(3) The means by which a customer may order or download
consumer information relating to water quality, including the
consumer confidence report prepared pursuant to Section
116755.4, as provided in Section 116755.6.

(b) Bottlers or brand owners may also include other forms of
contact, including, but not limited to, the bottler’s or brand
owner’s e-mail address or Web site.

116757.8. (a) The department may, by written permission,
allow a person to package water for use in public emergencies
without obtaining a water bottling license, where the emergency
has resulted in the interruption of, or has compromised the quality
of, the public drinking water supply. This permission may
authorize the suspension of any provision of this article and related
regulations.

(b) (1) The department may at any time change or impose on
the permittee any requirements such as testing, equipment, and
documentation that the department deems necessary to protect
public health but in doing so shall consider the effect of those

1 requirements in light of the urgency of the situation. The
2 department may grant or withdraw this permission at any time.

3 (2) Packing, distribution, and use of water under this permit
4 shall only be allowed during the emergency period and shall end
5 upon the restoration of adequate public drinking supplies as
6 determined by the department. Distribution shall be limited to the
7 area affected. Water so packaged shall be prominently labeled
8 “drinking water,” “for emergency use only,” and “not for sale,”
9 or similar wording approved by the department.

10 (c) This section shall not be construed to restrict licensed
11 water-bottling plants from providing water processed in
12 accordance with this article in emergency situations.

13 116758. The department, prior to issuing a license, shall
14 review all labels prepared pursuant to this article, and may require
15 any changes in order to comply with this article.

16 116759. (a) In order to carry out the purposes of this article,
17 any duly authorized representative of the department may, at any
18 reasonable hour of the day, do any of the following:

19 (1) Enter and inspect any licensed facility or any place where
20 bottled water or vended water records are stored, kept, or
21 maintained.

22 (2) Inspect and copy any records, reports, test results, or other
23 information required to carry out this article.

24 (3) Set up and maintain monitoring equipment for purposes of
25 assessing compliance with this article.

26 (4) Obtain samples of the water supply.

27 (5) Photograph any portion of the facilities, any activity, or any
28 sample taken.

29 (b) Any duly authorized representative of the department may,
30 at any time, do any of the following:

31 (1) Inspect any water vending machine.

32 (2) Set up and maintain monitoring equipment for purposes of
33 assessing compliance with this article.

34 (3) Obtain samples of vended water.

35 (4) Photograph any portion of the water vending machine, any
36 activity, or any samples taken.

37 (c) The department shall inspect each water-bottling plant at
38 least annually, and shall inspect each retail water facility and
39 private water source, as well as each facility *involved* and vehicle
40 involved in ~~bottled water distribution or~~ water hauling, at least

1 once every four years. Commencing January 1, 2006, the
2 department shall inspect each water-vending machine at east once
3 every four years. Nothing in this subdivision is intended to prevent
4 the department from inspecting licensees more frequently than
5 required by this subdivision if the department determines that this
6 action is necessary and appropriate to ensure compliance with this
7 article. The department shall provide an opportunity for a
8 representative of the water-bottling plant, water-vending machine
9 owner or operator, water hauler, retail water facility operator,
10 private water source operator, or bottled water distributor to
11 accompany the representative of the department during the
12 inspection.

13 (d) It shall be a misdemeanor for any person to prevent,
14 interfere with, or attempt to impede in any way any duly
15 authorized representative of the department from undertaking the
16 activities authorized by this section.

17 SEC. 4. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

